

Environment: public participation in plans and programmes

2000/0331(COD) - 23/07/2009 - Follow-up document

The aim of this Communication report is to review the application and effectiveness of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directives 97/11/EC and 2003/35/EC (the Environmental Impact Assessment – EIA Directive), in the European Union.

The EIA Directive has been subject to similar regular reports in the past, which were based on Article 11 of the Directive. On the basis of such reports, this EIA Directive was amended in 1997. Directive 97/11/EC widened the scope, strengthened the procedural stages and integrated the changes provided by the UN/ECE Espoo Convention on EIA in a transboundary context. Following the signature by the

Community (June 1998) of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, the Community law had to be properly aligned with that Convention. Thus, the EIA Directive was amended by Directive 2003/35/EC, which sought to align the provisions on public participation with the Aarhus Convention.

The EIA Directive aims to protect the environment and the quality of life, while ensuring approximation of national laws with regard to the assessment of the environmental effects of public and private projects. It is a **key instrument of environmental integration**, covering a wide range of projects and making them environmentally sustainable. It harmonises the principles of the EIA by introducing minimum requirements, in particular with regard to the type of projects that should be subject to assessment, the main obligations of the developers, the content of the assessment and the participation of the competent authorities and the public.

At present, all Member States have established comprehensive regulatory frameworks. However, the challenge of ensuring that the Directive is implemented effectively and consistently across all Member States is a continuous one. This report assesses the **20 years of implementation** in an effort to address this challenge. It outlines the strengths of the EIA Directive, highlights the main areas where improvements are needed and provides recommendations, where relevant. It concludes with consideration of approaches to improving the Directive.

Conclusions: the report confirms that the objectives of the EIA Directive have generally been achieved. The principles of environmental assessment have been integrated into the national EIA systems. All Member States have established **comprehensive regulatory frameworks** and implement the EIA in a manner which is largely in line with the Directive's requirements; in many cases, Member States have built on the minimum requirements of the Directive and have gone beyond them. As a result, environmental considerations are taken into account in the decision-making process, which has become more transparent.

However, the development of EIA is an **evolving process**. While ensuring that the EIA Directive is effectively implemented across an enlarged EU, it is also necessary to ensure that the EIA Directive is adapted to the Community and international policy and legal contexts. This report indicates areas where improvements are needed:

- screening,
- public participation,

- quality of the EIA,
- EIA transboundary procedures,
- coordination between the EIA and other environmental directives and policies, such as climate change and biodiversity.

The report presents possible recommendations for action.

These findings are relevant in the framework of a **simplification exercise**.

The Commission will consider all **simplification methods** (codification, codification combined with the introduction of comitology, recasting, merging, use of regulation). Any simplification initiative will aim to improve environmental protection, increase the degree of harmonisation and simplify existing procedures. Regardless of the approach chosen, the Commission will ensure that any major modification will be subjected to a **consultation with all stakeholders** and will undergo a legislative impact assessment.